

FAX

GlaxoSmithKline

To Attn: Examiner Patrick Buechner, Group 3754
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Company USPTO
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Fax 703-872-9306
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From Johnie Jones
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.....
Date 15-Feb-2005 **Pages including cover** 4
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Subject Petition To Withdraw Holding of Abandonment
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Based on Failure To Receive Office Action
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Re: Application of Anthony Patrick JONES, et al.
U.S. Serial No.: 09/936,505; Filed: September 11, 2001
Title: *Metering Valve*
Attorney Docket No. PG3671USW

Attached:

1. Petition to Withdraw Holding of Abandonment Based on Failure To Receive Office Action
2. Copy of docket record

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Petition To Withdraw Holding of Abandonment is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306) on February 15, 2005.


Johnie Jones

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Jones, et al.
Serial No. : 09/936,505
Filing Date : September 11, 2001
Title : *Metering Valve*
Grp. /A.U. : 3754
Examiner : Buechner, Patrick
Confirmation No. : 4406
Docket No. : PG3671USW

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Commissioner for Patents
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Sir:

This Petition is submitted in response to the Notice of Abandonment mailed January 31, 2005. The Notice states that the application is abandoned in view of Applicants' failure to timely pay the issue fee and publication fee.

Applicants respectfully petition the Patent Office to withdraw the holding of abandonment because the original Notice of Allowance and Fee(s) Due was never received by Applicants. I, J. Michael Strickland, attorney for Applicants, have searched the file jacket and docket record for this application, Attorney Docket No. PG3671USW, and found no indication that the Notice of Allowance was ever received. Enclosed herewith is a copy of the docket record where the nonreceived Notice of Allowance would have been entered had it been received and docketed.

Applicants respectfully request that this petition be granted and that a new Notice of Allowance be mailed. Applicants believe that no fee is required for this petition. If a fee is required, Applicants hereby authorize the Patent Office to charge Deposit Account 07-1392 for the appropriate fee.

Date: February 15, 2005
GlaxoSmithKline Inc.
Corporate Intellectual Property
Five Moore Drive, P.O. Box 13398
Research Triangle Park, NC 27709
Tel. (919) 483-9024
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Respectfully submitted:

J. Michael Strickland
Attorney for Applicants
Reg. No. 47,115

Enclosure: Docket Report for PG3671USW

68008

Patent: PG3671, United States, Regular,
Patent Cooperation Treaty, Original FilingChecked by Attorney
(date and initials)

February 15, 2005 J. Michael [Signature]

Patent Data

| | | | |
|--------------------|---------------------------|----------------------|--------------------------------|
| Case No. | PG3671 | Attorney | Jason N Rice |
| Country | United States | Agent | J MICHAEL STRICKLAND |
| Case Type | Regular | Client/Division | Pharmaceuticals |
| Relation Type | Original Filing | Applicant | SMITHKLINE BEECHAM CORPORATION |
| Filing Type | Patent Cooperation Treaty | First Filing Date | 12-Mar-1999 |
| Filing Number | | Sub Status Date | |
| Status | Filed | Parent Filing Date | 23-Feb-2000 |
| Sub Status | | Parent Grant Date | |
| Parent Country | Patent Cooperation Treaty | Application Date | 23-Feb-2000 |
| Parent Number | PCT.EP00.01446 | Grant Date | |
| Application Number | 09.936505 | Publication Date | |
| Patent Number | | Ind. Claims/Designs | 0 |
| Publication Number | | Total Claims | 0 |
| Program | | Total Classes | |
| Convention Type | | Confirmation Number | |
| Operating Group | UNITED KINGDOM | Tax Base Date | |
| Agent Ref No | | Next Tax Date | |
| | | Expiration Date | 23-Feb-2020 |
| | | National Filing Date | 16-Oct-2001 |

Other Case-Related Information

Actions

| Action | Action Due Date | Taken Date | Deadline Date | Completed Date | Action Notes |
|-------------------|-----------------|------------|---------------|----------------|---------------------------------|
| 1st Office Action | | | | 29-Mar-2004 | |
| History | 12-Mar-2000 | | | 02-Mar-2000 | General Assignment done? |
| History | 06-Dec-2001 | | | 26-Nov-2001 | Missing Requirement due in 1mo. |
| History | 06-Jan-2002 | | | 26-Nov-2001 | Missing Requirements due |
| History | 16-Jan-2002 | | | 16-Oct-2001 | Declaration due |
| History | 16-Jan-2002 | | | 16-Oct-2001 | IDS due |
| History | 06-May-2002 | | | 26-Nov-2001 | Missing Requirements-X4-FATAL |
| History | 16-Oct- | | | 04-Dec- | Filing receipt perfected? |

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NO. 9000 PaP. 4 of 2

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|-------------------------------------|-----------------|-----------------|-----------------|--|
| | 2002 | | 2001 | |
| RESTRICTION REQUIRED | 24-May- 2003 | 24-Oct- 2003 | 19-Jun-2003 | |
| RESTRICTION REQUIRED | 24-Aug- 2003 | 24-Jan- 2004 | 20-Aug- 2003 | |
| LAST DAY | 24-Oct- 2003 | 24-Oct- 2003 | 19-Jun-2003 | |
| Restriction - final deadline | 24-Jan- 2004 | 24-Jan- 2004 | 20-Aug- 2003 | |
| History | 16-Apr- 2004 | | 29-Mar- 2004 | Has IDS yet been acknowledged? |
| Response to 1st office action | 29-Jun- 2004 | 25-Jun- 2004 | 29-Sep- 2004 | 23-Jul-2004 |
| Response 1st OA - final deadline | 29-Sep- 2004 | | 29-Sep- 2004 | 23-Jul-2004 |
| REACTIVATE MATTER | 28-Feb- 2005 | | | N/Abandonment mailed 31 Jan 2005 - Failure to pay Issue Fees. N/Allowance has not been received from the USPTO. |
| Status Inquiry Due | 29-Sep- 2005 | | | |

CreateUser: PJ

CreateDate: 29-Nov-2002

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